

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CONVOLVE, INC.

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vs.

CASE NO. 2:08-CV-244-CE

DELL, INC., ET AL

ORDER

Pending before the court is plaintiff Convolve, Inc.'s ("Convolve" or "Plaintiff") motion to exclude or, in the alternative, to strike the expert testimony and expert report of Dr. John Levy (Dkt. No. 326). Having carefully reviewed the parties' arguments, as well as Dr. Levy's expert report, the court concludes that Dr. Levy's expert testimony meets the requirements of FED. R. EVID. 702. As such, the court DENIES Plaintiff's motion.

SIGNED this 7th day of July, 2011.


CHARLES EVERINGHAM IV
UNITED STATES MAGISTRATE JUDGE